

LEE LITIGATION GROUP, PLLC

24 WEST 24TH STREET, EIGHTH FLOOR

NEW YORK, NY 10011

TEL: 212-465-1180

FAX: 212-465-1181

INFO@LEELITIGATION.COM

WRITER'S DIRECT: (212) 465-1188
cklee@leelitigation.com

June 7, 2021

Via ECF

The Honorable Laura Taylor Swain, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: Response to Defendants' request for an extension of time to
oppose Plaintiff's 216(b) motion
Lopez v. Thermo Tech Mechanical, Inc. et al.
Case No.: 20-cv-9113-LTS-BCM

Dear Judge Swain:

We are counsel to Plaintiff in the above-captioned case and write in response to Defendants' request for an extension of their time to oppose Plaintiff's 216(b) motion (ECF Nos. 25-27). That motion was reinstated by Your Honor on June 3, 2021, with a June 17, 2021, deadline for Defendants' opposition (ECF No. 32).

Defendants have requested an extension of their time to oppose to August 2, 2021, on the grounds that they require additional time to amass documents showing that Plaintiff was not employed by them as an "HVAC ... installation worker." However, we have discussed this matter with Defendants and they do not contend that Plaintiff was never an employee, but only that his role was not that of an HVAC installation worker. While this issue may have ramifications for Plaintiff's prevailing wage claims (for public works projects), it has no bearing on his FLSA time-shaving claims. Accordingly, we do not believe an August 2, 2021, deadline is warranted. However, we do not object to extending Defendants' deadline to July 9, 2021, provided that Plaintiff is then allowed two weeks to reply. We note that we have already agreed to extend the deadline for Defendants' discovery production, originally June 3, 2021, to June 11, 2021.

We thank Your Honor for considering our position.

Respectfully submitted,

/s/ C.K. Lee
C.K. Lee, Esq.

cc: all parties via ECF